

**REMARKS**

Claims 3-5 and 15-29 remain pending in this application.

In the Final Office Action, the Examiner rejected claims 3-5 and 15-20 under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. The Examiner also allowed claims 21-29. Applicants appreciate the Examiner's indication of allowable subject matter in this case.

In reviewing the status of the claims, Applicants note that allowed claims 22-24 and 26-28 depend from rejected claims 3 and 4, respectively. Applicants assume that the Examiner intended to object to claims 22-24 and 26-28, and request that the Examiner clarify the status of these claims in the next Office communication.

Applicants respectfully traverse the rejection of claims 3-5 and 15-20 under 35 U.S.C. § 101. In the Final Office Action, the Examiner alleges that "the claimed invention merely claims nonfunctional descriptive material stored in a computer-readable medium." See page 2. Applicants note that "nonfunctional descriptive material" includes but is not limited to music, literary works and a compilation or mere arrangement of data. See MPEP § 2106 (IV)(B)(1). In contrast, "functional descriptive material" includes data structures and computer programs which impart functionality when employed as a computer component. See id. Applicants respectfully submit that the claims recite such functional descriptive material.

Claim 3, for example, recites a computer-readable information storage medium wherein "said information storage medium adopts a first playback unit for playing back the audio information." Accordingly, the claim recites performing a function, i.e., playing back audio information. Further, claim 3 recites "display mode information indicating a

display method of the image information is described in a default play list that defines, in advance, a playback order or playback sequence of one or more first playback units, as attribute information of each first playback unit.” Accordingly, claim 3 also recites performing an additional function, i.e., performing a display method. Therefore, the claim includes functional descriptive material for at least these reasons.

The Examiner also contends that “merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make it statutory.” See Final Office Action, page 2. However, as discussed above, claim 3 indeed recites functional descriptive material. MPEP § 2106 (IV)(B)(1) explains that “[w]hen functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.” Further, “[n]onfunctional descriptive material may be claimed in combination with other functional descriptive multi-media material on a computer-readable medium to provide the necessary functional and structural interrelationship to satisfy the requirements of 35 U.S.C. 101.” See MPEP § 2106 (IV)(B)(1)(b). Therefore, since claim 3 recites functional descriptive material stored on a computer-readable medium, the claim meets the requirements of 35 U.S.C. § 101.

Independent claims 4, 5, 15, 16, and 17, while of a different scope from claim 3 and each other, include similar recitations as claim 3. Accordingly, claims 4, 5, 15, 16, and 17 meet the requirements of 35 U.S.C. § 101 for at least the reasons discussed above. Claims 18-20 depend from claim 5 and meet the requirements of 35 U.S.C. § 101 at least due to their dependence.

**CONCLUSION**

In view of the foregoing remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

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By: Arthur L. L. - Reg. No. 53,232  
for Richard V. Burgujian  
Reg. No. 31,744